

PROCEDURE 8. SEARCHES AND EXAMINATION
OF MAIL

A. APPLICABILITY

This procedure applies to the opening of mail in United States postal channels, and the use of mail covers with respect to such mail, for foreign intelligence and counterintelligence purposes. It also applies to the opening of mail to or from United States persons where such activity is conducted outside the United States and such mail is not in United States postal channels.

B. EXPLANATION OF UNDEFINED TERMS

1. Mail within United States postal channels includes:

a. Mail while in transit within, among, and between the United States, its territories and possessions (including mail of foreign origin which is passed by a foreign postal administration to the United States Postal Service for forwarding to a foreign postal administration under a postal treaty or convention, and mail temporarily in the hands of the United States Customs Service or the Department of Agriculture), Army-Air Force (APO) and Navy (FPO) post offices, and mail for delivery to the United Nations, N.Y.; and

b. International mail en route to an addressee in the United States or its possessions after passage to United States Postal Service from a foreign postal administration or en route to an addressee abroad before passage to a foreign postal administration.

As a rule, mail shall be considered in such postal channels until the moment it is delivered manually in the United States to the specific addressee named on the envelope-, or his authorized agent.

2. To examine mail means to employ a mail cover with respect to such mail.

3. Mail cover means the process by which a record is made of any data appearing on the outside cover of any class of mail matter as permitted by law, other than that necessary for the delivery of mail or administration of the postal service.

C. PROCEDURES

1. Searches of mail within United States postal channels.

a. Applicable postal regulations do not permit DoD intelligence components to detain or open first class mail within United States postal channels for foreign intelligence and counterintelligence purposes, or to request such action by the U.S. Postal Service.

b. DoD intelligence components may request appropriate U.S. postal authorities to inspect, or authorize the inspection, of the contents of second, third, or fourth class mail in United States postal channels, for such purposes,

in accordance with applicable postal regulations. Such components may also request appropriate U.S. postal authorities to detain, or permit the detention of, mail that may become subject to search under this section, in accordance with applicable postal regulations.

2. Searches of mail outside United States postal channels.

a. DoD intelligence components are authorized to open mail to or from a United States person that is found outside United States postal channels only pursuant to the approval of the Attorney General. Requests for such approval shall be treated as a request for an unconsented physical search under paragraph C.2.b. of Procedure 7.

b. Heads of DoD intelligence components may authorize the opening of mail outside U.S. postal channels when both the sender and intended recipient are other than United States persons if such searches are otherwise lawful and consistent with any Status of Forces Agreement that may be in effect.

3. Mail covers

a. DoD intelligence components may request U.S. postal authorities to examine mail in U.S. postal channels, for counterintelligence purposes, in accordance with applicable postal-regulations.

b. DoD intelligence components may also request mail covers with respect to mail to or from a United States person that is outside U.S. postal channels, in accordance with appropriate law and procedure of the host government, and any Status of Forces Agreement that may be in effect.